

The 26th March, 1980

No. 11(112)-3Lab-80/4648.—In pursuance of the provision of section 17 the Industrial Dispute Act, 1947 (Act. No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Rohtak in respect of the dispute between the workmen and the management of M/S The Radaur Cane growers Co-op. Society Ltd., Radaur.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 139 of 1977

SHRI HARBHAGWAN DASS, WORKMAN AND THE MANAGEMENT OF M/S. THE RADAUR CANE GROWERS CO-OP. SOCIETY LTD., RADAUR.

Present:—

Shri Sukhmandan Singh, for the workman.

Shri W. C. Sharma, for the respondent.

#### AWARD

By order No. ID/KLN/404-77/47061, dated 31st October, 1977 of the Governor of Haryana, the following dispute between the management of M/s. The Radaur Cane growers Co-op. Society Ltd., Radaur and its workman Shri Harbhagwan Dass, was referred for adjudication to this Court in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Harbhagwan Dass was justified and in order? If not, to what relief is he entitled?

On receipt of order of reference as usual notice were sent to the parties. The parties put in their appearance. The workman representative prayed that his demand notice be treated as his claim statement. The management filed the written statement. The workman did not file the rejoinder and the following issues were framed by my learned predecessor on 28th June, 1978:—

1. Whether the termination of service of Shri Harbhagwan was justified and in order?
2. Whether this Court has no jurisdiction to entertain and decide the reference made to it by the appropriate Government?
3. Whether the respondent are not an industry and the reference is barred by time?

The management was asked to produce their evidence. After obtaining several adjournment on 26th July, 1979 one witness SW—1 Shri Sham Sunder was examined and the case was fixed for remaining evidence of the management and at last on 26th February, 1980 the parties arrived at an amicable settlement. The copy of which was filed which is duly signed by the workman and attested by the two witnesses who were the authorised representative of both the parties. From the management side Shri Kuldeep Singh, Assistant Cane Commissioner Haryana and Shri Naurata Ram, Secretary of the respondent society signed the settlement. Under the terms of the settlement the management agreed to reinstate the workman as and when he join his duty with continuity of service. The workman shall be paid 50% of his wages from the date of his dismissal to the date of joining and shall also receive other benefits which he would have actually received had he not been dismissed and statements of the workman and the secretary of the respondent society were recorded as under:—

Statement of Shri Naurata Ram Secretary of the respondent management :—

"The management is bound by the terms and the condition given in settlement which is Exhibit 4 by which the workman shall be reinstated and paid according to the terms of the settlement."

Statement of Shri Harbhagwan Dass, workman in person:—

"I have heard the statement of the secretary of the respondent to which I agree"

In view of the above circumstances I make the award that the management shall reinstate the workman as and when he joins his duty within 15 days of this settlement with continuity of service. The management shall pay to the workman 50% of his wages from the date of dismissal to the date of his joining his duty. He shall also be entitled to other benefits which would have accrued to him had he been in continuous service.

I answer the reference while returning the same in these terms.

Dated 26th February, 1980

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Rohtak.

Endorsement No. 658, dated the 11th March, 1980

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Department, Chandigarh as required section 15 of the Industrial Disputes Act, 1947.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Rohtak.

No. 11(112)-3Lab-80/4649.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Mehtab Singh Raghunandan Lal Metal Industry, Railway Road, Jagadhri.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK.

Reference No. 86 of 1979

between

SHRI GHAN SHAM DASS, WORKMAN AND THE MANAGEMENT OF M/S MEHTAB SINGH,  
RAGHUNANDAN LAL METAL INDUSTRY, RAILWAY ROAD, JAGADHRI

Present:

Shri Rajeshwar Nath, for the workman.

Shri Subash Chand, for the management.

#### AWARD

By order No. ID/YMN/25-75/15490, dated 6th April, 1979, the Governor of Haryana the following dispute between the management of M/s Mehtab Singh Raghunandan Lal Metal Industry Railway Road, Jagadhri and its workman Shri Ghan Sham Dass was referred for adjudication, to this Court in exercise of the powers conferred by clause (c) of sub-section (1) of the section 10 of the Industrial disputes Act, 1947 :—

Whether the termination of services of Shri Ghan Sham Dass was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, usual notices were sent to the parties. The parties appeared in response to the notices of reference. The parties filed their respective pleadings. On the basis of which the following issues were framed by my learned predecessor on 24th July, 1979:—

1. Whether the workman was employed with the mg., only as a casual worker. If so to what effect.
2. As per reference ?

The case was fixed for evidence of the management. At last on 26th February, 1980 the workman arrived at an amicable settlement and made the following statement :—

#### Statement of Shri Ghan Sham Dass, workman in person

"I have received Rs. 250/- in the court today, in full and final settlement of my claim. I forego my right on reinstatement/re-employment. The award may be made accordingly."

In view of the statement of the workman as recorded above I hold that the workman has received Rs. 250/- in my presence in full and final settlement of all his claim and he relinquished his

right of reinstatement/re-employment. I, therefore, make the award accordingly and answer the reference while returning the same in this terms.

The 26th February, 1980

BANWARI LAL DALAL,  
Presiding Officer,  
Labour Court, Rohtak.

Endst. No. 659, dated the 11th March, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 9th January, 1980.

BANWARI LAL DALAL,  
Presiding Officer,  
Labour Court, Rohtak.

No. 11 (112)-3 Lab-80/5017.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Skinds Ltd., N. I. T., Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 491 of 1978

*between*

SHRI SURESH KUMAR, WORKMAN AND THE MANAGEMENT OF M/S. SKINDS  
LTD., N. I. T., FARIDABAD

*Present:—*

Shri P. K. De, for the workman.

Shri R. C. Sharma, for the management.

#### AWARD

By order No. ID/11/155-78/48035, dated 23rd October, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Skinds Ltd., N. I. T., Faridabad and its workman Shri Suresh Kumar, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Suresh Kumar, was justified and in order?  
If not, to what relief is he entitled?

On receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings. On the pleading of the parties following issues were framed on 17th January, 1979 :—

- (1) Whether the termination of services of the workman was justified and in order?
- (2) If not to what relief is he entitled?

At the outset I said for the evidence of the management. Several adjournments were obtained by the management and sometimes by the workman. Lastly week dispute was settled. The parties filed the settlement and prayed for an award in terms of the settlement. According to the settlement the management agreed to pay a sum of Rs. 225/- only to the workman and the workman agreed to give up his dispute and his right to reinstatement or re-employment, if any.

I, therefore, give my award that the workman is entitled to receive a sum of Rs. 225 only from the management, and on payment thereof the dispute shall be deemed as having being settled and the workman shall not be entitled to reinstatement or re-employment or to any other relief.

Dated 18th March, 1980.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Endst. No. 253, dated 21st March, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

Dated 18th March, 1980.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.